

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
:
AMARIN PHARMA, INC., DR. JONATHAN HERBST, :
DR. ERIC RISHE, DR. PETER GOTTESFELD, and :
DR. RALPH YUNG, :

Plaintiffs, :

-against- :

U.S. FOOD AND DRUG ADMINISTRATION, :
UNITED STATES OF AMERICA, :
STEPHEN OSTROFF, M.D., in his official capacity :
as Acting Commissioner of Food and Drugs, and :
SYLVIA MATHEWS BURWELL, in her official capacity :
as Secretary of the Dep't of Health and Human Services, :

Defendants. :
:
----- X

15 CV 3588 (PAE)

**NOTICE OF MOTION FOR LEAVE TO FILE A BRIEF AS
AMICI CURIAE IN SUPPORT OF PLAINTIFFS'
MOTION FOR PRELIMINARY INJUNCTION**

PLEASE TAKE NOTICE that upon the accompanying declaration of Deborah N. Misir and the exhibit thereto, and all prior pleadings and proceedings in this action, *amicus curiae* Washington Legal Foundation will move this Court, before the Honorable Paul A. Engelmayer, at the United States Courthouse, 500 Pearl Street, New York, New York, at a date and time to be determined by the Court, for leave to file an *amicus curiae* brief in support of Plaintiffs' motion for a preliminary injunction.

The proposed *amicus* brief is attached as the exhibit to the accompanying declaration.

Dated: Mineola, New York
June 12, 2015

Respectfully submitted,

Of Counsel:

Richard A. Samp
Mark S. Chenoweth
Washington Legal Foundation
2009 Massachusetts Ave., NW
Washington, DC 20036
Tel.: 202-588-0302
Fax: 202-588-0386

/s/ Deborah N. Misir
Deborah N. Misir
Lally & Misir
The Nassau Building
220 Old Country Road
Mineola, NY 11501
Tel.: 516-741-2666
Fax: 516-742-8533
dmisir@lallymisir.com

Attorney for *Amicus Curiae*
Washington Legal Foundation

TO: All Counsel of Record
(By ECF)